Appl. No. 10/562,872
Appeal Brief in Response
to final Office action of 4 June 2009

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application   : **10/562,872**

Applicant(s)   : **FROIDCOEUR et al.**

Filed   : **12/29/2005**

Confirmation   : **6756**

T.C./Art Unit   : **2444**

Examiner   : **HUSSAIN, Farrukh**

Atty. Docket   : **NL030821US**

Title: **EMBEDDING A UPNP AV MEDIASERVER OBJECT ID IN A URI**

Mail Stop: **APPEAL BRIEF - PATENTS**
Commissioner for Patents
Alexandria, VA 22313-1450

APPEAL UNDER 37 CFR 41.37

Sir:

       This is an appeal from the decision of the Examiner dated 4 June 2009, finally rejecting claims 1-18 and 20-27 of the subject application.

       This paper includes (each beginning on a separate sheet):

1. **Appeal Brief;**
2. **Claims Appendix;**
3. **Evidence Appendix; and**
4. **Related Proceedings Appendix.**

APPEAL BRIEF

I. REAL PARTY IN INTEREST

The above-identified application is assigned, in its entirety, to **Koninklijke Philips Electronics N. V.**

II. RELATED APPEALS AND INTERFERENCES

Appellant is not aware of any co-pending appeal or interference that will directly affect, or be directly affected by, or have any bearing on, the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claim 19 is canceled.

Claims 1-18 and 20-27 are pending in the application.

Claims 9-12 stand rejected by the Examiner under 35 U.S.C. 101.

Claims 1-18 and 20-27 stand rejected by the Examiner under 35 U.S.C. 103(a).

These rejected claims are the subject of this appeal.

IV. STATUS OF AMENDMENTS

An amendment was filed on 11 October 2009, canceling claim 19. A reply to the final rejection was also filed on 4 August 2009.

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V. SUMMARY OF CLAIMED SUBJECT MATTER[1]

The invention addresses a method and system for controlling the rendering of media content in a UPnP network (Applicants' page 1, lines 2-3). Conventionally, a Control Point receives a URI of a content item from a Media Server, and provides the URI to a Media Renderer; the Media Renderer then uses the URI of the content item to retrieve the content item from the Media Server for rendering (page 2, lines 22-30). In the conventional UPnP system, the Media Renderer is unaware of the context in which the content item is being rendered, and therefore is unable to determine an appropriate 'next' content item, in the event that the conventional Server-Control-Renderer network is disturbed (page 4, lines 22-25). In a preferred embodiment of this invention, the Media Renderer includes an integral control point that is configured to access the Content Directory Service of the Media Server directly (page 5, lines 17-20). This access is provided by sending a URI (Universal Resource Identifier) corresponding to the Content Directory Service on the Media Server from the conventional Control Point to the augmented Media Renderer (page 8, line 32 - page 9, line 1). Having access to the Content Directory Service, the augmented Media Renderer is thus able to independently control the selection of subsequent content items, typically based on the context of the previously rendered content items (page 9, lines 19-28).

Independent claim 1 recites a method of enabling a UPnP-compliant MediaRenderer-Control Point combination (202, 204) to use an organizational context of a content item as represented in a UPnP Content Directory Service (108) (page 5, lines 17-20), the method comprising enabling the combination (202, 204) to receive a URI representative of a Content Directory Service description (page 5, lines 20-21).

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[1] It is respectfully noted that it is not the appellants' intention that the claimed embodiments of this invention be limited to operation within the example embodiments described in this brief, beyond what is required by the claim language. These examples and their description are provided to facilitate ease of understanding and to comply with the requirements of an appeal brief, without intending that any further interpreted limitations be read into the claims as presented.

Independent claim 5 recites an electronic device comprising a UPnP-compliant MediaRenderer-Control Point combination (202, 204) configured to exploit an organizational context of a content item as represented in a UPnP Content Directory Service (108) (page 5, lines 17-20), the device being configured to process a URI representative of the Content Directory description (page 5, lines 20-21).

Independent claim 9 recites control software stored on a computer-readable medium for installation on and execution by a UPnP-compliant MediaRenderer-Control Point combination (202, 204) for enabling the MediaRenderer to exploit an organizational context of a content item as represented in a UPnP Content Directory Service (108) (page 5, lines 17-20), the software being configured to process a URI representative of the Content Directory description (page 5, lines 20-21).

Independent claim 13 recites a device comprising:

a UPnP interface (page 6, lines 16-17);

a renderer (202) that is configured to render content received from at least one media server (104) (page 8, lines 28-32); and

a controller (204) that is configured to control reception of the content from the media server (104) (page 8, lines 30-34);

wherein:

the controller (204) is configured to receive a URI via the UPnP interface from an external UPnP Control Point (106) (page 8, lines 32-33), for receiving a content directory (108) from the media server (104) (page 8, line 33 - page 9, line 1) that provides an organization context of an item of the content, and to control selection of at least one subsequent item of the content based on the content directory (108) (page 9, lines 11-14).

Independent claim 22 recites a method for execution on a UPnP media renderer (202) comprising:

receiving an identification of a content item (110-114) at a media server (104) to be rendered (page 8, lines 33-34), and a URI corresponding to a context (108) of the content item within the media server (104) (page 8, line 34 - page 9, line 1), from an external controller (106) (page 8, lines 32-34),

receiving the content item (110-114) from the media server (104) based on the identification (page 9, lines 14-15),

receiving the context (108) of the content item (110-114) based on the URI (page 9, lines 11-13),

rendering the content item at the UPnP media renderer (202) (page 9, lines 14-15),

determining (204) a subsequent content item (110-114) at the media server (104) to be rendered, based on the context (108) (page 9, lines 16-23), and

rendering (202) the subsequent content item (110-114) (page 9, lines 19-23).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 9-12 stand rejected under 35 U.S.C. 101.

Claims 1-3, 5-7, 9-11, 13-18, and 20-28 stand rejected under 35 U.S.C. 103(a) over Weast (USP 7,454,511) in view of Salmonsen et al. (USPA 2003/0220781, hereinafter Salmonsen).

Claims 4, 8, and 12 stand rejected under 35 U.S.C. 103(a) over Weast in view of Salmonsen and Saulpaugh et al. (USP 7,065, 574, hereinafter Saulpaugh).

VII. ARGUMENT

Claims 9-12 stand rejected under 35 U.S.C. 101

Claims 9-12

Claim 9 recites control software stored on a computer-readable medium. The Examiner asserts that "the media *could* be construed as any of a number of transmission types i.e., carrier wave, transmission media, data signal, as well as data structure each of these do not fall within the boundary of a statutory category of process, machine, manufacture, or composition of matter" (Office action, page 6, paragraph 7, emphasis added).

In *Ex Parte Azuma* (Appeal 2009-003902, 24 September 2009), the Board determined that a rejection cannot be based on an Examiner's hypothetical embodiment, and specifically **reversed** a rejection that was based on the premise that because a computer-readable medium may, hypothetically, include a signal, the claims to such a medium was non-statutory under 35 U.S.C. 101.

Further, claim 9 specifically recites that the software is *stored* on the computer-readable medium; accordingly, the hypothesized embodiments of a carrier wave, transmission media, and data signal cannot be said to correspond to the claimed medium, because these embodiments are transitory in nature, and cannot 'store' information, per se. The applicants also note that a 'data structure' is not, per se, a computer readable medium.

Accordingly, the applicants respectfully maintain that the rejection of claims 9-12 under 35 U.S.C. 101 is unfounded, and should be reversed by the Board.

Claims 1-3, 5-7, 9-11, 13-18, and 20-28 stand rejected under
35 U.S.C. 103(a) over Weast and Salmonsen

Claims 1-3, 5-7, 9-11, 13-18, and 20-21

The Office action acknowledges that Weast fails to teach or suggest enabling the Media-Renderer-Control-Point combination to receive a URI representation of a Content Directory Service description, and relies on Salmonsen for disclosing this feature (Office action, page 7, paragraph 9).

Salmonsen fails to teach or suggest a URI representation of a Content Directory Service description, and specifically fails to teach or suggest a Media-Renderer-Control-Point combination to receive or process a URI representation of a Content Directory Service description as claimed in each of the applicants' independent claims 1, 5, 9, and 13, upon which claims 2-4, 6-8, 10-12, 14-18, and 20-21 depend.

Consistent with the applicants' disclosure, a conventional Content Directory, such as the content directory of Salmonsen, includes URIs that identify content stored at a Media Server. However, the prior art does not teach or suggest a URI that represents the Content Directory Service, and does not teach or suggest receiving such a URI at a Media-Renderer-Control-Point combination, as taught and claimed by the applicants.

The Examiner asserts that Salmonsen teaches a URI that represents a Content Directory Service at paragraphs [0123] and [0008]. This assertion is incorrect. At the cited text, Salmonsen teaches:

> "[0123] The media directory 518 is a media container, holding a list of all available media content and possibly some or all of the media content. The media directory 518 operates as a virtual media directory, enabling and facilitating access to locally-stored media content and remote media contained by other servers and devices. The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources. URIs includes WWW addresses, Universal Document Identifiers, Universal Resource Identifiers, and combinations of Uniform Resource Locators (URL) and Names (URN). Uniform Resource Identifiers are formatted strings that identify a resource by name, location, or another characteristic. The media directory 518 holds URIs of all files that the server 500 can deliver for rendering. The URIs can correspond to files stored anywhere."

"[0008] In some examples, a communication media device comprises an internal media content source, an internal interface coupled to the internal media content source and capable of carrying media content in a native format, and a media renderer. The media renderer is coupled to the internal interface and capable of rendering the native format information from the internal interface. The communications media device further comprises an emulator coupled to the internal interface, a communication controller coupled to the emulator and capable of coupling to an out-of-band communication link, and a storage. The storage is coupled to the emulator and holds an executable code capable of converting information from the out-of-band communication link to the native format and conveying the converted information to the media renderer."

As is clearly evident, nowhere in the cited text does Salmonsen address a URI that is representative of the media directory 518, as asserted by the Examiner.

Because the Examiner fails to identify where the combination of Weast and Salmonsen teaches a URI that is representative of a Content Directory Service, the applicants respectfully maintain that the Examiner has failed to establish a prima facie case to support this rejection. Accordingly, the applicants respectfully maintain that the rejection of claims 1-3, 5-7, 9-11, 13-18, and 20-21 under 35 U.S.C. 103(a) over Weast in view of Salmonsen is unfounded, and should be reversed by the Board.

Claims 13-18 and 20-21

The combination of Weast and Salmonsen fails to teach or suggest a controller that receives a URI via a UPnP interface from an external UPnP Control Point for receiving a content directory from a media server, and fails to teach or suggest controlling selection of a subsequent item of the content based on this content directory, as specifically claimed in claim 13, upon which claims 14-18 and 20-21 depend.

The Examiner asserts that Salmonsen teaches receiving a URI from an external UPnP Control Point at paragraphs [0123] and [0008]. This assertion is incorrect. These paragraphs, cited above, clearly do not address an external UPnP control point, clearly do not address a URI for receiving a content directory, and specifically do not teach or suggest receiving a URI from an external UPnP Control Point for receiving a content directory from a media server, as asserted by the Examiner. Accordingly, the applicants respectfully maintain that the Examiner has failed to establish a prima facie case to support the rejection of claims 13-18 and 20-21 under 35 U.S.C. 103(a) over Weast and Salmonsen.

Claims 22-28

The combination of Weast and Salmonsen fails to teach or suggest receiving a URI corresponding to a context of the content item within a media server from an external controller, and fails to teach or suggest determining a subsequent content item at the media server to be rendered based on the context, as specifically claimed in claim 22, upon which claims 23-28 depend.

The Examiner acknowledges that Weast fails to teach receiving a URI corresponding to a context of the content item within a media server from an external controller, and relies on Salmonsen for this teaching.

The Examiner asserts that Salmonsen provides this teaching at paragraphs [0123] and [0008]. This assertion is incorrect. These paragraphs, cited above, clearly do not address a URI corresponding to a context of a content item. Salmonsen's paragraph [0123] discloses a media directory that includes the URI of content items. As is well known in the art, and as disclosed by the applicants, the URI of a content item merely provides the address of the location of the content item, and does not, per se, provide a context of the content item. Salmonsen's media directory 518 may provide a context of the collection of URIs, but Salmonsen does not teach or suggest a URI corresponding to this directory 518.

Additionally, as noted above, the cited paragraphs of Salmonsen do not address an external controller, and specifically do not disclose receiving a URI corresponding to a context of a content item within a media server from an external controller, as specifically claimed in claim 22.

Further, the Examiner assert that Weast teaches determining a subsequent content item based on the context of the (prior) content item at column 7, lines 41-46. This assertion is also incorrect. At the cited text, Weast teaches:

> "in response to the selection of the "open" command, file system services 124 and media related services 112 cooperate to determine whether the selected file system entry 422 against which the "open" command is to "operate" is a corresponding file system entry of a media content 132. If so, file system services 124 and media related services 112 further cooperate to determine its UPnP media server 104, media type, and locate an appropriate available UPnP media renderer 106.
> Upon so determining, file system services 124 and media related services 112 cooperate to cause the corresponding media content 132 to be opened (also referred to as "launched"), and be provided from the appropriate UPnP media server 104 to the appropriate UPnP media renderer 106 to render." (Weast, column 7, lines 32-46.)

As is clearly evident, the cited text does not address determining a subsequent content item based on the context of another content item, as asserted by the Examiner.

Because the combination of Weast and Salmonsen fails to teach or suggest receiving a URI corresponding to a context of the content item within a media server from an external controller, and fails to teach or suggest determining a subsequent content item at the media server to be rendered based on the context, the applicants respectfully maintain that the rejection of claims 22-28 under 35 U.S.C. 103(a) over Weast in view of Salmonsen is unfounded, and should be reversed by the Board.

Claims 4, 8, and 12 stand rejected under 35 U.S.C. 103(a) over Weast, Salmonsen, and Saulpaugh

Claims 4, 8, and 12

Claims 4, 8, and 12 are dependent upon independent claims 1, 5, and 9, respectively, and in this rejection, the Examiner relies on the combination of Weast and Salmonsen for teaching the elements of claims 1, 5, and 9.

As discussed above, the combination of Weast and Salmonsen fails to teach or suggest the elements of claims 1, 5, and 9, and Saulpaugh fails to correct this deficiency. Accordingly, the applicants respectfully maintain that the rejection of claims 4, 8, and 12 under 35 U.S.C. 103(a) over Weast, Salmonsen, and Saulpaugh that relies on the combination of Weast and Salmonsen for teaching the elements of claims 1, 5, and 9 is unfounded, and should be reversed by the Board.

CONCLUSIONS

Because the combination of Weast and Salmonsen fails to teach or suggest receiving or processing a URI that is representative of a Content Directory Service, the applicants respectfully request that the Examiner's rejection of claims 1-3, 5-7, 9-11, 13-18, and 20-28 under 35 U.S.C. 103(a) over Weast and Salmonsen, and claims 4, 8, and 12 under 35 U.S.C. 103(a) over Weast, Salmonsen, and Saulpaugh be reversed by the Board, and the claims be allowed to pass to issue.

Because the combination of Weast and Salmonsen fails to teach or suggest a controller that receives a URI via a UPnP interface from an external UPnP Control Point for receiving a content directory from a media server, and fails to teach or suggest controlling selection of a subsequent item of the content based on this content directory, the applicants respectfully request that the Examiner's rejection of claims 13-18 and 20-21 under 35 U.S.C. 103(a) over Weast and Salmonsen be reversed by the Board, and the claims be allowed to pass to issue.

Because the combination of Weast and Salmonsen fails to teach or suggest receiving a URI corresponding to a context of the content item within a media server from an external controller, and fails to teach or suggest determining a subsequent content item at the media server to be rendered based on the context, the applicants respectfully request that the rejection of claims 22-28 under 35 U.S.C. 103(a) over Weast and Salmonsen be reversed by the Board, and the claims be allowed to pass to issue.

Respectfully submitted

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CLAIMS APPENDIX

1. A method of enabling a UPnP-compliant MediaRenderer-Control Point combination to use an organizational context of a content item as represented in a UPnP Content Directory Service, the method comprising enabling the combination to receive a URI representative of a Content Directory Service description.

2. The method of claim 1, comprising enabling the combination to receive the URI together with an objectID representative of the content item.

3. The method of claim 1, comprising providing a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item for being streamed using a streaming protocol.

4. The method of claim 3, wherein the streaming protocol is proprietary.

5. An electronic device comprising a UPnP-compliant MediaRenderer-Control Point combination configured to exploit an organizational context of a content item as represented in a UPnP Content Directory Service, the device being configured to process a URI representative of the Content Directory description.

6. The device of claim 5, configured to process an objectID, representative of the content item, together with the URI.

7. The device of claim 5, configured to process a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item for being streamed using a streaming protocol.

8. The device of claim 7, configured to implement the streaming protocol that is proprietary.

9. Control software stored on a computer-readable medium for installation on and execution by a UPnP-compliant MediaRenderer-Control Point combination for enabling the MediaRenderer to exploit an organizational context of a content item as represented in a UPnP Content Directory Service, the software being configured to process a URI representative of the Content Directory description.

10. The control software of claim 9, configured to process an objectID, representative of the content item, together with the URI.

11. The control software of claim 9, configured to process a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item for being streamed using a streaming protocol..

12. The control software of claim 11, configured to control to implement the streaming protocol that is proprietary.

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13. A device comprising:

a UPnP interface;

a renderer that is configured to render content received from at least one media server; and

a controller that is configured to control reception of the content from the media server;

wherein:

the controller is configured to receive a URI via the UPnP interface from an external UPnP Control Point, for receiving a content directory from the media server that provides an organization context of an item of the content, and to control selection of at least one subsequent item of the content based on the content directory.

14. The device of claim 13, wherein the controller is configured as an other UPnP Control Point.

15. The device of claim 13, wherein the content directory corresponds to a UPnP Content Directory Service.

16. The device of claim 13, wherein the controller is configured to automatically select the subsequent item of the content upon conclusion of rendering the item.

17. The device of claim 16, wherein the controller automatically selects the subsequent item based on a random selection from a plurality of items identified in the content directory.

18. The device of claim 16, wherein the controller automatically selects the subsequent item based on a logical order of a plurality of items identified in the content directory.

20. The device of claim 13, wherein the controller is configured to receive the URI together with an identifier of the item for rendering the item.

21. The device of claim 13, wherein the controller is configured to receive a UPnP ProtocolInfo string that refers to the item and the organizational context to facilitate receiving the item from the media server.

22. A method for execution on a UPnP media renderer comprising:

      receiving an identification of a content item at a media server to be rendered, and a URI corresponding to a context of the content item within the media server, from an external controller,

      receiving the content item from the media server based on the identification,

      receiving the context of the content item based on the URI,

      rendering the content item at the UPnP media renderer,

      determining a subsequent content item at the media server to be rendered, based on the context, and

      rendering the subsequent content item.

23. The method of claim 22, wherein the URI identifies a UPnP Content Directory Service description.

24. The method of claim 22, wherein the external controller corresponds to a UPnP Control Point.

25. The method of claim 22, wherein the context corresponds to a content directory at the media server.

26. The method of claim 25, wherein the determining of the subsequent content item is based on a random selection from a plurality of content items identified in the content directory.

27. The method of claim 25, wherein the determining of the subsequent content item is based on a logical order of a plurality of items identified in the content directory.

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EVIDENCE APPENDIX

No evidence has been submitted that is relied upon by the appellant in this appeal.

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RELATED PROCEEDINGS APPENDIX

Appellant is not aware of any co-pending appeal or interference which will directly affect or be directly affected by or have any bearing on the Board's decision in the pending appeal.